

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY CARSTARPHEN,

Plaintiff,

vs.

**PHILLIP TROTMAN, GREYHOUND
LINES, INC., ARTHUR SMILEY,
ORE VALLEY, LLC,**

Defendants.

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No. 24-cv-5225-JMY

ORDER

AND NOW, this day 25th day of March, 2025, upon consideration of the partial *Motion to Dismiss for Failure to State a Claim* (ECF No. 16) filed by Defendants, Arthur Smiley and Ore Valley, LLC, the *Motion for More Definite Statement and/or Motion to Dismiss for Failure to State a Claim* (ECF No. 17) filed by Defendants, Greyhound Lines, Inc. and Phillip Trotman, all papers submitted in support thereof and in opposition thereto, and for the reasons set forth in the accompanying Memorandum filed by the Court along with this Order, it is hereby

ORDERED that said Motions are **GRANTED** in part and **DENIED** in part as follows:

1. The motion for a more definite statement under Fed. R. Civ. P. 12(e) filed by Defendants, Greyhound Lines Inc. and Phillip Trotman is **DENIED**;
2. The motion to dismiss direct liability theories of corporate negligence from the Amended Complaint is **DENIED**;
3. The motion to dismiss allegations that Defendant Arthur Smiley, through his actions or failure to act, was malicious is **GRANTED**, and all allegations that Defendant Arthur Smiley was malicious in his acts or omissions are **DISMISSED** without prejudice from the Amended Complaint.
4. Defendants' motion to dismiss Plaintiff's request for first party benefits is **GRANTED** as follows – Plaintiff's request for first party benefits is **DISMISSED** from the Amended Complaint without prejudice.

BY THE COURT:

/s/ John Milton Younge
Judge John Milton Younge